

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mimi Corp & Mary Gargano	:	
& the Estate of Mary Gargano	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	
Underwriters at Lloyds, London, England	:	
Defendant,	:	No.: 02-CV-2726
v.	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

ORDER

AND NOW, this day of , 2002, upon consideration of the Motion
of Defendant Underwriters at Lloyds, London, England, and responses thereto, it is hereby
ORDERED and **DECREED** that said Motion is **GRANTED**. Plaintiffs are ordered to provide
self-executing discovery pursuant to Rule 26 of the Federal Rules of Civil Procedure within ten
(10) days of the date of this Order or risk the imposition of further sanctions.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
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& the Estate of Mary Gargano	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	
	:	
Underwriters at Lloyds, London, England	:	No.: 02-CV-2726
Defendant,	:	
	:	
v.	:	
	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

**MOTION OF DEFENDANT UNDERWRITERS AT LLOYDS, LONDON, ENGLAND
TO COMPEL DISCOVERY OF ADDITIONAL DEFENDANTS YOUNG ADJUSTMENT
COMPANY AND GREGORY R. COE**

1. This lawsuit arises from a claim for insurance proceeds from a fire loss occurring on May 12, 2000 at a restaurant known as Mimi's, located at 9242 Delaware Avenue, Philadelphia, Pennsylvania.
2. At the time of the fire, the contents only of the restaurant were insured through Underwriters at Lloyds, London, England.
3. Several days after the fire, Underwriters issued a check to the plaintiffs in the amount of twenty thousand dollars (\$20,000) as an initial payment for damages incurred in the fire, and plaintiffs were to submit a final account once those damages were fairly and accurately determined.

4. Plaintiffs hired Additional Defendant Young Adjustment Company, a public adjustment company in the business of assisting people and entities in preparing claims to submit to an insurer to recover for losses suffered in a covered incident, in this case the fire at Mimi's.

5. Additional Defendant Gregory R. Coe was employed by Young Adjustment Company and assisted the plaintiffs in preparing their claim for submission to Underwriters.

6. Defendant, Underwriters at Lloyds, London, England, has asserted that the insurance claim submitted by the additional defendants and the plaintiffs was grossly inflated and without the necessary documentation to support the claim.

7. On June 11, 2002, counsel for defendant, Underwriters at Lloyds, London, England, forwarded discovery requests to counsel for plaintiffs. A copy of the June 11, 2002, letter is attached as Exhibit A.

8. On July 15, 2002, counsel for defendant, Underwriters at Lloyds, London, England, forwarded a letter to counsel for plaintiffs seeking responses to the discovery requests forwarded on June 11, as well as seeking the self-executing discovery required under Rule 26 of the Federal Rules of Civil Procedure. A copy of the July 15, 2002, letter is attached as Exhibit B.

9. To date, plaintiffs have failed to provide the self-executing discovery as required by the Federal Rules of Civil Procedure.

WHEREFORE, defendant, Underwriters at Lloyds, London, England, respectfully requests this Honorable Court to enter an Order compelling plaintiffs to provide self-executing discovery pursuant to Rule 26 of the Federal Rules of Civil Procedure and providing any sanctions that this Honorable Court deems just and necessary for plaintiffs' failure to comply with Rule 26 of the Federal Rules of Civil Procedure.

Respectfully submitted,

GIBLEY AND McWILLIAMS, P.C.

By: _____

John Reed Evans, Esquire
Attorney for Defendant,
Underwriters at Lloyds, London, England
Identification Number: 61899
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Ph.: 610-627-9500
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Email: jevans@gibleylaw.com

Dated: September 9, 2002

**IN THE UNITED STATES DISTRICT COURT
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& the Estate of Mary Gargano	:	CIVIL ACTION
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Underwriters at Lloyds, London, England	:	No.: 02-CV-2726
Defendant,	:	
	:	
v.	:	
	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

CERTIFICATE OF SERVICE

I, John Reed Evans, Esquire, hereby certify that a copy of the attached Motion of Defendant Underwriters at Lloyds, London, England To Compel Answers to Discovery of Plaintiffs has been served upon the following individual by first class, United States mail, postage pre-paid, this 9th day of September, 2002.

Norman W. Briggs, Esq. Frey Petrakis Deeb Blum Briggs & Mitts, P.C. 1601 Market Street, Sixth Floor Philadelphia, PA 19103	Michael Stack, Jr., Esq. Stack & Stack, P.C. 1600 Locust Street Philadelphia, PA 19103
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GIBLEY and McWILLIAMS, P.C.

By: _____

John Reed Evans, Esquire
Attorney for Defendant,
Underwriters at Lloyds, London, England
Identification Number: 61899
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Ph.: 610-627-9500
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Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

CERTIFICATE OF GOOD FAITH

The undersigned counsel for movant hereby certifies and attests that he has had the contacts described below with opposing counsel regarding the discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description:

June 11, 2002 letter forwarding discovery requests.

July 15, 2002 letter requesting response to discovery requests and self-executing discovery pursuant to F.R.C.P. Rule 26.

CERTIFIED TO THE COURT BY:

John Reed Evans, Esquire
Attorney for Defendant,
Underwriters at Lloyds, London, England